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REPORT OF THE COMMITTEE ON CONVENTIONS AND RECOMMENDATIONS

1. The Committee on Conventions and Recommendations (CR) held a public working meeting on Friday 10 April 2015. Pursuant to Rule 16.2 of the Rules of Procedure of the Executive Board, the Committee elected Mr Agron Budjaku, representative of the Former Yugoslav Republic of Macedonia, as Temporary Chair in the absence of the Committee's Chair, Ms Marie Chatardová, representative of the Czech Republic, and he chaired the meeting.

2. The Committee met on Tuesday 21 April 2015, chaired by Ms Marie Chatardová, to adopt the present report.

Item 19 Implementation of standard-setting instruments – General monitoring (196 EX/19 Part I)

Item 19 Consideration of the draft guidelines for the preparation of reports by Member States on the application of the 1960 Convention and Recommendation against Discrimination in Education (196 EX/19 Part II)

Item 19 Application of the 1993 Recommendation on the Recognition of Studies and Qualifications in Higher Education (196 EX/19 Part III)

Item 19 Application of the 2003 Recommendation concerning the Promotion and Use of Multilingualism and Universal Access to Cyberspace (196 EX/19 Part IV)

3. Not having the necessary time to consider these items relating to the first aspect of the CR Committee's terms of reference, the Committee members recommended adjourning the debate on the four parts of this item until the 197th session of the Executive Board.

Item 20 Report of the working group on the methods of work of the Committee on Conventions and Recommendations (196 EX/20)

4. In the absence of the CR Committee's Chair, who was also the Chair of the working group, the Temporary Chair reminded the meeting of the oral conclusions of the Chair of the working group, on which there had been consensus in that group (paragraphs 5 to 15 of this document).

5. By way of introduction, the Chair of the working group had reminded the meeting that pursuant to 192 X/Decision 19, 194 EX/Decision 20 and 195 EX/Decision 16, the working group on the methods of work of the Committee on Conventions and Recommendations (CR) had held its first meeting on Tuesday 14 October 2014 on the eve of the 195th session of the CR Committee and had met again on Tuesday 7 April 2015 on the eve of the current session of the CR Committee. Following these two meetings, and pursuant to 192 EX/Decision 19, the working group's conclusions had been as follows.

6. With regard to the CR Committee's terms of reference, the members of the working group had stressed the need to rebalance the first aspect – examination of reports from Member States on the implementation of UNESCO's standard-setting instruments – in relation to the second, the examination of communications concerning the exercise of human rights in UNESCO's fields of competence (104 procedure).

7. First and foremost, the working group members had agreed that the CR Committee should monitor only those instruments for which there were no specific institutional mechanisms, namely the 1960 and 1989 Conventions, and the 12 priority recommendations.

8. A consensus had been reached on the basis of the Secretariat's proposals contained in document 196 EX/20 to update the legal framework relating to procedures for the examination of Member States' reports on the implementation of UNESCO's standard-setting instruments adopted by the Executive Board almost 10 years ago (177 EX/Decision 35 Parts I and II).

9. Firstly, with regard to the *Specific multi-stage procedure for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided* (177 EX/Decision 35 Part I), the working group members had decided to amend most of the stages. These amendments were designed to: (i) ensure better planning of future consultations in order to draw Member States' attention to an exercise that arose out of their obligations under the UNESCO Constitution, in particular by specifying the dates by which Member States must submit their respective reports; (ii) target collection of information for recommendations more effectively; and (iii) increase participation by field offices in the assistance provided by the Secretariat to Member States preparing their reports.

10. Secondly, as regards the *Framework guidelines* (177 EX/Decision 35 Part II), the working group members had approved the proposals put forward by the Education Sector in the document. These amendments would modernize the current text without altering its substance.

11. Lastly, while considering that the CR Committee working sessions should devote more time to monitoring, the working group members had agreed that the Secretariat's proposals on the organization of work in Part B of document 196 EX/20 (e.g. establishing focused discussion in the CR) were premature at the current stage and it was preferable to wait for the initial effects of the implementation of these amendments to the legal framework.

12. As for the second aspect of the Committee's terms of reference, namely examination of communications concerning the exercise of human rights in UNESCO's fields of competence, the working group members had focused their work mainly on the following three subjects identified at their first meeting:

- Ensuring that the communications fell within the fields of competence of the Organization

The working group members had emphasized that more attention should be paid to applying the admissibility criteria for communications to ensure greater clarity and improve the Committee's work in this field.

To this end, they had stated that when a communication was declared admissible the Committee should specify, in the light of 104 EX/Decision 3.3, the criteria and conditions underlying the admissibility decision.

Furthermore, the working group members had thought that the Secretariat should specify the criteria that it used for screening of communications according to procedural practice in this field.

– Improving the Committee’s specific working conditions

The working group members had decided in favour of limiting the speaking time for the various speakers during examination of each communication, while emphasizing the importance that the Committee attached to transmission of additional written information by the author of the communication and the government concerned prior to the Committee’s session.

- At the beginning of the consideration of each communication, the representative of the Director-General must endeavour to limit the summary of each case to a reasonable duration;
- Subsequently the representative of the government concerned would also be invited to limit the presentation of each case to a reasonable duration, with the exception of new communications;
- Lastly, at the end of each presentation, any questions from members of the Committee must be limited to 3 minutes for each case if a reply was to be given.

The working group had also considered that the Committee should combine examination of similar communications for the same country, subject to the agreement of the representative of the government concerned. In such cases the Committee could ask the representative of the Director-General to submit an overall summary for these similar communications.

– Seeking ways to achieve universal communications

The working group had expressed the wish that the 104 procedure should be given increased visibility, especially for the general public.

In this respect, the working group members had considered that the Secretariat should restore the link on the home page of the Organization’s website to the existing presentation of the procedure.

Lastly, they had also asked the Secretariat to send a circular every two years to the national commissions encouraging them to bring the 104 procedure to the attention of bodies likely to be interested in it, such as non-governmental organizations.

13. Lastly, the working group had stressed that these improvements should be introduced from the Committee’s next session, unless it is technically unfeasible, in order to rebalance the two aspects of the CR Committee’s terms of reference without further delay.

14. To this end, the working group members had asked the Secretariat in future to draw up a draft timetable for the Committee’s work, making provision, if possible, for two working sessions on the first aspect given the improvements to streamline working time devoted to the second aspect.

15. In conclusion, the Chair of the working group had commended the spirit of compromise and mutual understanding that had prevailed throughout the meeting held last Tuesday, just as it had during the working group’s first meeting on 14 October 2014.

16. Having thanked the Chair of the working group for the standard of her conclusions, the CR Committee adopted the proposals put forward by the working group to improve the CR Committee’s working methods.

17. During the same session of the CR Committee, chaired by the Temporary Chair Mr Agron Budjaku, some members of the Committee nevertheless expressed the wish to continue improving CR working methods.

18. After having examined the item, the Committee recommended that the Executive Board adopt the following draft decision:

The Executive Board,

1. Recalling 192 EX/Decision 19 and 193 EX/Decision 7 (II),
2. Also recalling 194 EX/Decision 20 and 195 EX/Decision 16, and the reports of the Committee on Conventions and Recommendations (CR) thereon (194 EX/33 and 195 EX/37),
3. Having examined document 196 EX/20 and the report of the CR Committee thereon (196 EX/36),
4. Recognizing the need to rebalance the two aspects of the CR Committee's terms of reference so as to ensure that the two aspects are properly considered by the Committee in a suitable time frame,
5. Decides, in respect of the first aspect of the CR Committee's terms of reference, to approve the amendments made to the *Specific multi-stage procedure for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided* and the *Framework guidelines*, as contained in the annex to document 196 EX/36;
6. Decides, in respect of the second aspect of the CR Committee's terms of reference, to take note of the Committee's improvements to its methods of work, as contained in paragraph 12 of document 196 EX/36;
7. Encourages the members of the CR Committee to implement, from the 197th session of the Executive Board, these amendments and improvements agreed by the working group in order to evaluate their relevance;
8. Requests the Chair of the CR Committee to report to the Executive Board at its 199th session on the implementation of these improvements.

ANNEX

SPECIFIC MULTI-STAGE PROCEDURE FOR THE MONITORING OF THE IMPLEMENTATION OF UNESCO CONVENTIONS AND RECOMMENDATIONS FOR WHICH NO SPECIFIC INSTITUTIONAL MECHANISM IS PROVIDED

(177 EX/Decision 35 I)

Stage 1: Frequency of submission of reports on the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided

In accordance with the provisions of Article IV, paragraph 4, and Article VIII of the Constitution, reports shall be submitted every four years unless the General Conference, in the case of specific conventions or recommendations, decides otherwise.

In this respect, the secretariat shall prepare, at the start of each biennium, a timetable for submission of Member States' reports on measures taken to implement the conventions and recommendations for the period under consideration, while drawing attention to the frequency and dates of submission to the UNESCO General Conference of monitoring reports on implementation of these instruments.

Stage 2: Transmission of conventions and recommendations to Member States

Pursuant to the provisions of the Rules of Procedure concerning recommendations to Member States and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution, while transmitting a certified copy of any convention or recommendation to Member States, the Director-General will formally remind them of their obligation to submit the convention or recommendation in question to their competent national authorities in accordance with Article IV, paragraph 4, of the Constitution, and will also draw their attention to the difference in the legal nature of conventions and recommendations.

The Secretariat will ensure that the standard-setting texts adopted by the General Conference are widely disseminated to Member States and the public.

Stage 3: Establishment of reports for monitoring the effective implementation of conventions and recommendations

(a) Consultations concerning conventions

The Secretariat shall submit to the Executive Board its proposals concerning the modalities of consultation of Member States on any measures they have respectively adopted pursuant to Article IV, paragraphs 4 and 6, and Article VIII of the Constitution. To this effect, it shall prepare draft guidelines for the preparation of reports based on the framework guidelines adopted by the Executive Board, to which the Secretariat will add, in view of the wide variety of UNESCO's standard-setting instruments, specific questions on which additional information is sought in the light either of the conclusions of the previous consultation or of the information available.

The Executive Board shall entrust the examination of these proposals to its Committee on Conventions and Recommendations (CR).

After the guidelines have been approved by the Executive Board, the Director-General will invite the Member States to submit their report on the action taken on the convention, within a period of six months. Each Member State must submit such a report pursuant to Article 17, paragraph 1, of the Rules of Procedure concerning recommendations to Member States and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution.

(b) *Collection of information concerning recommendations*

The Secretariat will collect from Member States and National Commissions and from the various partners of the Organization such as non-governmental organizations (NGOs), information on the implementation of the recommendation in question.

*This collection of information may be conducted on the basis of the model guidelines **and after consultation with the Committee on Conventions and Recommendations of the Executive Board.***

(c) *Preparation of reports*

*With regard to the conventions, the Member States **shall** prepare reports, with the cooperation and support of the National Commissions, in accordance with the model guidelines approved by the Board. Within the limit of available resources, the guidelines may be made accessible on the Internet to Member States to enable them to draw up and submit their report to the Secretariat by electronic means.*

With regard to the recommendations, the Secretariat will prepare a report on their implementation by the Member States, on the basis of the information collected, in particular with regard to national legislation.

(d) *Technical assistance provided by the Secretariat to Member States*

*In order to reduce their workload, the Secretariat, **with the support of the field offices**, will provide Member States, at their request or at the request of the General Conference, with technical assistance, which will focus both on a better understanding of the objectives of the convention or recommendation in question and on practical procedures for the preparation of their reports, in particular, the collection of information and the drafting of the reports.*

Stage 4: Consideration by the Executive Board of the reports for monitoring the effective implementation of conventions and recommendations

The Secretariat will submit to the Executive Board a summary of the reports received from Member States on the measures taken for the implementation of the conventions. The Executive Board may, if it so desires, ask the Secretariat to submit to it for consideration all the reports for each country.

With regard to recommendations, the Secretariat will submit its consolidated report on the implementation of these instruments, prepared on the basis of the information collected.

The documents prepared by the Secretariat will be examined by the Executive Board, which will entrust the task to the Committee on Conventions and Recommendations. The debates and work of the Executive Board and the CR Committee arising from their consideration of the reports will take place in public meetings.

The Executive Board will transmit these documents to the General Conference, together with its observations or comments and any that the Director-General may make, following their consideration by the Executive Board.

Stage 5: Decision of the General Conference concerning the reports for monitoring the effective implementation of conventions and recommendations

The General Conference may take, as necessary, a decision with regard to the reports concerning the implementation of the conventions and recommendations.

The Director-General shall regularly inform the General Conference and the Executive Board with respect to the implementation of the decisions taken by the General Conference.

Framework Guidelines
(177 EX/Decision 35 II)

- I. *Information on the legislative, judicial, administrative and other measures taken by the State at the national level*
 - (a) *Pursuant to Article IV, paragraphs 4 and 6, and Article VIII of the Constitution, each State may provide information on its status in respect of UNESCO's conventions by indicating whether it plans to accede to the instruments to which it is not yet Party or which it has signed but not yet ratified.¹*
 - (b) *States should describe the specific legal framework governing the protection on their territory of the rights guaranteed by the UNESCO convention to which they are Parties. They should indicate, inter alia, whether the rights set forth in the convention are protected by their constitution, by a basic legislative text or by any other national provision, and whether the UNESCO convention has been incorporated into national legislation, and should make reference to the legal, administrative or other authorities competent in relation to the rights guaranteed by the convention and the scope of such competence.*
- II. *Information on the implementation of the convention (with reference to its provisions)*

This part of the report provides States with an opportunity to concentrate on more specific questions pertaining to the implementation of the instrument concerned. It should contain the information requested by the Committee on Conventions and Recommendations in its most recent guidelines for the preparation of reports, and should set out the specific measures taken to respond to any concerns expressed by the Committee in its observations made at the conclusion of the examination of the State Party's previous report.

- (a) *Convention against Discrimination in Education*

States should provide detailed information on:

- (i) *the means employed to proscribe discrimination in education **based notably on grounds specified** in the Convention and to ensure equality of treatment in education;*
- (ii) *the measures taken to ensure equal opportunities in education **(in terms of access, participation and completion)**, and to attain education for all (EFA) including gender parity in education, and to implement strategies and programmes in order to achieve in the country the full exercise by all of the right to education without discrimination or exclusion;*
- (iii) *progress made with respect to ensuring universal access to primary and secondary education **and access to higher education based upon individual capacity, including technical and vocational education and training, the measures taken to enhance the quality of education and the status of***

¹ *In the case of the conventions on education, States Parties may wish to include information transmitted to the United Nations treaty bodies on their endorsement of other international human rights standards, in particular when such information is directly related to States' implementation of the provisions of UNESCO's conventions. States could indicate if they are Parties to regional human rights instruments.*

teaching personnel and the means employed to protect the right of national minorities to carry out their own educational activities.

(b) *Convention on Technical and Vocational Education*

States should provide detailed information on:

- (i) *the measures taken to ~~define~~ **develop evidence-based policies, strategies and frameworks** ~~implement programmes and curricula~~ for technical and vocational education **and training (TVET) to foster equitable and inclusive lifelong learning opportunities** for all young people and adults, **in relation to changing contexts and development strategies, and respective education, labour and other systems, specifying how these measures ensure the involvement of all relevant stakeholders** ~~within the framework of the respective education systems;~~*
- (ii) *the measures taken to ~~review periodically the structure of technical and vocational education, study programmes and plans, training methods and materials, as well as the forms of cooperation between the school system and the world of work, and the measures taken to give persons teaching in the field of technical and vocational education an opportunity to update their skills~~ **develop effective mechanisms for assessing current and future skills needs at various territorial levels and/or by sectors, and the main approaches used on a systematic and regular basis, specifying the extent of participation of employers' and employees' organizations;***
- (iii) *the measures taken to ~~facilitate international cooperation and to participate actively in international exchanges concerning study and teacher training programmes, methods, equipment standards and textbooks in the field of technical and vocational education~~ **for the governance, regulation, management and financing of TVET, specifying how far governing structures at various levels are intersectoral, and how these measures ensure the involvement of all relevant stakeholders, including through social dialogue, partnerships and networks;***
- (iv) *the measures taken to **transform and expand TVET in all its forms to address the great diversity of learning and training needs, and the measures taken to periodically review and improve the quality and relevance of TVET staff, programmes, qualifications and curricula, information, guidance and counselling;***
- (v) *the measures taken to ~~facilitate international cooperation and to participate actively in international exchanges~~ **in the area of TVET through knowledge sharing and making full use of international and national networks, concerning study and teacher training programmes, methods, equipment standards and textbooks in the field of technical and vocational education** **and to support the mutual recognition of outcomes of learning experiences and qualifications;***
- (vi) *the measures, in the context of changing demands, taken to **improve the knowledge and research base for TVET, including through monitoring and evaluation tools and mechanisms, to monitor the impact of TVET on expected outcomes including employability, lifelong learning, and social equity, including gender equality, and sustainable development.***

~~(c) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property~~

~~States should provide detailed information on the measures taken to:~~

- ~~(i) combat the illicit transfer of ownership, such as setting up one or more national services for the protection of the cultural heritage, and establishing and keeping up-to-date a national inventory of protected cultural property whose export would constitute an appreciable impoverishment of the national cultural heritage;~~
- ~~(ii) combat illicit excavations, such as supervising archaeological excavations, ensuring the preservation in situ of certain cultural property, and protecting certain areas reserved for future archaeological research;~~
- ~~(iii) control the export of cultural property, such as introducing an appropriate certificate by which the exporting State would specify that the export of the cultural property in question is authorized.~~

III. *Methods introduced to draw the attention of the various authorities in the country to the instrument and to remove obstacles encountered*

- (a) *The report should contain an assessment of the effectiveness of the methods introduced to draw the attention of the various authorities of the country to the instrument and to remove obstacles encountered. It should highlight the difficulties encountered in implementing the key provisions of the convention, and the legal and practical obstacles encountered by States in implementing the convention.*
- (b) *States should describe briefly the main issues that need to be resolved in order to promote the implementation of the key provisions of the convention in the country, or what measures have been taken to launch an awareness-raising campaign and to promote ratification.*
- (c) *States will describe the measures taken to raise awareness of the basic principles of the convention, including their translation into national and, where necessary, local languages, and their national or local dissemination, in particular to non-governmental organizations. States should specify the activities undertaken or supported by the National Commission with a view to promoting the convention and fostering debate on critical issues, in relation to the rights enshrined in the convention.*